

## **Special and Regular Meeting of Tuesday, December 9, 2008**

City Council Chambers, One Twin Pines Lane

### **SPECIAL MEETINGS**

#### **CLOSED SESSION - 6:00 P.M.**

- A. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: Five Parcels, - APNs 043-165-030, 043-165-040, 043-165-050, 043-165-060, and 043-165-070, concerning price and terms of payment
- B. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Dickenson, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Public Works Director Davis, Police Chief Mattei, Human Resources Director Dino, and Labor Negotiator Tuffo. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:30 P.M.

**Terri**

**Cook**  
**City Clerk**

This meeting was not tape recorded or videotaped.

### **REGULAR MEETING** **CALL TO ORDER 7:35 P.M.**

#### **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, Community Development Director de Melo, Public Works Director Davis, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Police Captain DeSmidt, City Treasurer Violet, City Clerk Cook.

#### **PLEDGE OF ALLEGIANCE**

Led by the City of Belmont Youth Advisory Board.

Teen Specialist Spacher provided a brief overview of the Youth Advisory Board (YAB). She noted that it was initiated in September and consists of 13 middle-school-aged youngsters. The group finds and meets community needs, and participates in team-building activities. She stated that members of this group will hopefully become members of the high-school leadership group, VOICES (Volunteer Outreach in Community Services). Members of the YAB introduced themselves.

## **REPORT FROM CLOSED SESSION (Including Closed Session held 12/3/08)**

City Attorney Zafferano reported that direction was given but no action taken during the closed sessions held earlier, and the one held on December 3, 2008. He noted that an agreement has been reached with four residents of Marburger Road as a result of a closed session held during previous closed sessions. The Council voted unanimously to approve an agreement for the reconstruction of this road, subject to a final bid process.

## **SPECIAL PRESENTATIONS**

### **Presentation of Beautiful Belmont Awards**

Mayor Braunstein provided a background of this awards program. Commercial business awards were presented to Richards Cleaners and Workspace Innovations. Residential awards were given to Gladwyn D'Souza and Edward Paulus.

**Tim Dolan**, Richards Cleaners, noted that a number of businesses on Old County Road have made improvements to their buildings.

**Gladwyn D'Souza**, Belmont resident, stated that similar awards programs work in other communities, and bring community spirit.

**Edward Paulus**, Belmont resident, stated that his project involved a long process, and the award was unexpected.

Mayor Braunstein noted that the owner of Workspace Innovations was unable to attend this evening, and that their award would be delivered to them. He explained how to nominate someone for this awards program.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Lieberman welcomed the New Mayor and Vice Mayor to their respective positions.

Mayor Braunstein described the changes to the seating on the dais. He noted that he would be inviting members of the public and various organizations to lead the Pledge of Allegiance on a regular basis. He stated he would be making presentations from the podium rather than the dais. He welcomed Vice Mayor Wozniak. He outlined the closure of City Hall during the holidays.

## **AGENDA AMENDMENTS**

Councilmember Feierbach requested the removal of Consent Item 4-B (Informational Report on Implementing a Business License Revenue Enhancement and Collection Program) for separate consideration.

## **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of November 12, 2008, and Special Meeting (Closed Session) of November 18, 2008

**Approval of** Resolution 10079 Approving a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2009/2010 Transportation Act Article 3 Funding for the Proposed Ralston Avenue Curb Ramp Project Phase II

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved, as amended, by a show of hands.

## **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

### **Informational Report on Implementing a Business License Revenue Enhancement and Collection Program**

Councilmember Feierbach expressed concerns regarding customer services issues with Muni Financial.

Finance Director Fil noted that the City has had a long business relationship with Muni Financial. He described the services provided. He noted that as a result of previous complaints, the source of the problem was identified and has been addressed. The employee in question is no longer working on Belmont's account. People who owe money to the City need to pay. He described the process for identifying subcontractors, in order to get them to pay for business licenses. The City plans to advertise the stepped-up enforcement so there are no surprises.

Councilmember Feierbach noted that business licenses are not cheap, and she requested that the City exercise care when dealing with subcontractors.

Councilmember Wozniak stated there is a need for the City Council to review the business license process in order to better understand procedures.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, the Informational Report on Implementing a Business License Revenue Enhancement and Collection Program was accepted by a show of hands (4-1, Feierbach no).

## **OLD BUSINESS**

### **Discussion and Direction on the New Solid Waste, Recycling, and Green Waste Collection Agreement and Authorizing the City Manager to begin Negotiations with Norcal Waste Systems, Inc. based upon the SBWMA Model Franchise Agreement and Return to Council for Approval of the Final Franchise Agreement**

Public Works Director Davis stated that the City was preparing for a new franchise agreement with a new solid waste provider, to be effective January 1, 2011. He explained the process that has been utilized to date, including review by the Infrastructure Committee. He noted that Norcal is the recommended provider, and he described the rationale in making that recommendation, including Norcal staff's 25 years of experience in Belmont.

In response to Councilmember Dickenson's inquiry regarding the status of the Grand Jury investigation of the selection process used by the South Bayside Waste Management Agency (SBWMA), City Manager Crist clarified that a member of the Board of Supervisors has requested information via the Grand Jury, and that is all that is known at this time.

**Public Speaker** (no name given), stated she is from the Grand Jury and confirmed that it is looking into this situation.

Councilmember Lieberman stated that the Infrastructure Committee was unanimous in its recommendation of contracting with Norcal Waste. He clarified that both companies made good presentations and both are capable of providing service. Norcal is the least-cost option, and there is no reason not to exercise that option. He stated that Norcal will provide strong opportunities to increase recycling due to their experience with commercial properties.

Councilmember Wozniak stated that a letter was received regarding labor practices. She noted that Norcal uses non-union labor, and Allied pays its employees more.

**Evan Boyd**, General Manager, Allied Waste, expressed his appreciation for the evaluation process. He noted that Allied has been in business many years, and service and cost are the most important factors. He expressed concerns regarding the selection process utilized by SBWMA in that there were efforts to discount Allied's proposal and its low bid. He commented that Allied is committed to continuing its high level of service.

**John Zirelli**, General Manager, Norcal Waste, stated that Norcal is proud to receive the recommendation. He noted that 70 percent of SBWMA cities that have approved Norcal as the preferred provider. He described special events and activities in which Norcal participates. It utilizes hybrid and biodiesel fuel vehicles. Norcal looks forward to partnering with Belmont. It has signed a memorandum of understanding (MOU) with the teamsters, and will work under the existing labor agreement.

In response to Councilmember Feierbach, Mr. Zirelli stated that trash pickup times can be negotiated.

Councilmember Feierbach expressed support for the Infrastructure Committee's recommendation.

Councilmember Dickenson expressed concern about formalizing any agreement with Norcal until the Grand Jury investigation is complete.

Councilmember Wozniak noted that no final decision on a franchise agreement is being made, and she supports negotiating a contract at this time.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, and approved by a show of hands (4-1, Dickenson no) to uphold the recommendation of the Infrastructure Committee to enter into negotiations with Norcal Waste Systems, Inc, based upon the SBWMA model franchise agreement, and to return to Council for approval of a final agreement.

**Resolution Establishing the Street Name Design Standards for Signalized Intersections with White, Regular Font Lettering with White Border on Green Background with the City of Belmont Logo in White**

Public Works Director Davis stated that street name signs are required at signalized intersections. Several versions have been installed and comments have been received. He noted that both the

Planning Commission and the Infrastructure Committee have reviewed options and made a recommendation. He clarified that there was consensus but not unanimity regarding the inclusion of the City logo. He noted that there are no restrictions regarding colors used for street signs, but there is a federal regulation for highway signage.

Discussion ensued regarding details of letter and logo size.

In response to Councilmember Dickenson, Public Works Director Davis stated Cal Trans needs to approve the standard for signage along El Camino Real and the freeway ramps.

**Judy King**, Belmont resident, stated that inclusion of the logo is not necessary as it does not define a city. She expressed concerns regarding the appearance of the logo from far away.

Councilmembers Dickenson, Wozniak and Feierbach concurred with Ms. King regarding the logo.

Mayor Braunstein stated that he did not like the blue and white signs at first, but he likes them now. He concurred regarding the elimination of the logo, and stated he would go along with the consensus regarding colors.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Dickenson, Resolution 10080 Establishing the Street Name Design Standards for Signalized Intersections with White, Regular Font Lettering with White Border on Green Background without the inclusion of the City logo was unanimously approved by a show of hands.

## **NEW BUSINESS**

### **Status Report on the PG&E Rule 20A Project on Old County Road**

Public Works Director Davis stated that the undergrounding district was established in 2003. He provided background and history regarding this project and noted that the City has been pushing PG&E to complete the undergrounding project along Old County Road. He noted that Rule 20A monies have been diverted to other projects in other cities. A portion of Old County Road has just been completed, and PG&E is now working on the designs for the section north of Ralston Avenue. The cost of the first phase is over budget. He clarified that five years of Rule 20A monies can be borrowed for current or upcoming projects, and that completion of undergrounding to Marine View can be completed within that parameter. He reviewed the construction schedule. He clarified that there is no cost to the City of Belmont for this project.

Councilmember Dickenson stated that poor management by PG&E has caused this situation. The entirety of Old County Road was approved in 2003, but funds were reallocated elsewhere, and little attention has been given to this project. He recommended asking PG&E to make the City whole, not two-thirds whole.

**Roxanne Cruz**, Public Affairs for PG&E, expressed her desire to address concerns and questions raised regarding the process for this project. Her statement regarding making the City whole does not mean that PG&E will commit to the entire project, and she apologized if the City

interpreted her statement as such. She noted that she met with staff to address this situation. An increase in materials and goods has driven costs up.

City Councilmember Lieberman stated that the term “to make whole” has financial overtones and connotations. The comment was made in a public forum and gave a certain impression to the City Council and the public. Issues surrounding this project were not Belmont’s making, but Belmont bears the burden of them. He suggested cost-sharing. The City may be powerless to do anything.

Ms. Cruz stated she understands the frustration, and noted this is a prioritization and funding allocation issue. The existing project was pushed through so the City could receive its paving grant. She will further discuss this matter with PG&E representatives.

Councilmember Lieberman expressed his appreciation for PG&E’s efforts in pushing the project that allowed for the receipt of the grant.

Councilmember Dickenson noted that this is a PG&E-managed project, not a City of Belmont-managed one. PG&E should be made to execute the project for the entire length of Old County Road. Political pressure is part of the prioritization process. He clarified that Rule 20A funds come from ratepayers, not from the goodwill of PG&E.

Councilmember Wozniak suggested that the Council consider passing a resolution to PG&E regarding this matter. She concurred that this issue is no fault of Belmont’s.

In response to Council questions, Public Works Director Davis clarified that Rule 20A funds accumulate if they are not used. He also clarified that PG&E is currently in the design phase for Phase 2 of the project, and if Belmont is successful in getting the entire project funded, the remaining portion of Old County Road could be added to Phase 2.

Council concurred to have staff draft a resolution for consideration at a future meeting.

Councilmember Lieberman thanked Councilmember Dickenson for his diligence regarding this issue.

### **Discussion & Direction Regarding Alternate Power Sources for Traffic Control Devices**

Police Captain DeSmidt noted that the City of Belmont experienced two power outages during the summer that affected major intersections. They were not weather-related. Long-term solutions are being sought, but there is a need for short-term solutions as well. A battery backup system is simple and reliable. Intersections were prioritized, and five were chosen, all on Ralston Avenue. There are issues related to Cal Trans’ control over El Camino Real. Costs will be under \$25,000, and any expenditure can be addressed at the mid-year budget review. He stated this is a reasonable investment for the safety of officers and citizens.

In response to Council questions, Police Captain DeSmidt explained it would take less than a month to implement, if approved. He clarified that the use of solar is not an option, as it does not generate enough power, even on sunny days.

Councilmember Wozniak suggested that staff be on the lookout for future technology. She also recommended pursuing the use of alternate power sources for El Camino Real.

Councilmember Feierbach noted that PG&E often cuts power, and she supports pursuing this project.

Council concurred to have staff pursue the purchase of alternate power sources for traffic control devices.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Council members on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Feierbach stated that the Economic Development Committee met recently, and she noted that progress is being made on some of the economic development sites.

Councilmember Lieberman displayed a brochure that the City of San Carlos shared during the recent HIA (Harbor Industrial Area) luncheon. He noted that Police Chief Mattei spoke on leadership at that meeting. He also reported that the Infrastructure Committee addressed the issues of solid waste and the SBSA (South Bayside System Authority) facility. It also discussed the City of Berkeley's solar construction financing plan, and gave direction to Belmont staff to continue looking at this program. Upcoming items for Infrastructure Committee include trash rates and the new SBWMA facility.

Councilmember Dickenson stated that he attended the Infrastructure Committee meeting but did not speak due to quorum issues. He suggested a future televised study session regarding proposed trash rates.

Mayor Braunstein noted that the City tried holding presentations outside of the council meeting forum but it was not well attended. There is a need to publicize the issue of trash rates and get the information to people.

Councilmember Lieberman stated that workshops should not replace City Council meetings, but are intended to supplement them. They provide interaction.

Councilmember Feierbach stated that she communicated information regarding how sewer rates are calculated with an email group she maintains.

Mayor Braunstein stated that he attended a Notre Dame de Namur University Advisory meeting recently wherein the Conditional Use Permit for the University was discussed. They also discussed other partnering opportunities between the City and the University.

### **Appointment to HEART (Housing Endowment and Regional Trust)**

City Clerk Cook noted that since the City Council recently took action to rejoin this organization, a Belmont representative to HEART (Housing Endowment and Regional Trust) was needed.

Council discussion ensued regarding this appointment. Councilmember Lieberman offered to take the position, and Councilmember Feierbach offered to be the alternative.

Mayor Braunstein noted that the remainder of the Intergovernmental Assignments would be addressed at the Council retreat in January.

### **Verbal Report from City Manager**

City Manager Crist noted that the City has implemented a hiring freeze. He outlined the current recession and its impact on Belmont. He noted that staff is carefully watching budget issues and will take action if necessary. He noted this situation could get worse before it gets better. He provided information regarding the current estimate of what the fund balance may be by June, and cautioned that it is difficult to project beyond six months.

City Manager Crist described recent meetings with Redwood City staff regarding the landscape project at Highway 101, and outlined some of the hurdles that Redwood City is experiencing on this matter. Progress should be made in 2009, and they may be able to use recycled water.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Ray Moreno**, Belmont resident, recommended adding lanes on Ralston Avenue between Alameda de las Pulgas and South Road to accommodate the increase in traffic. He suggested restriping, but not widening.

Councilmember Feierbach clarified that due to an ordinance enacted by the voters, Ralston Avenue may not be widened without a vote of the people.

Councilmember Wozniak stated that Ralston Avenue should be more bike-friendly. There is also a need to make it more walkable. People should use alternate forms of transportation to alleviate congestion.

Mayor Braunstein noted that changes to the intersection of Ralston Avenue and South Road may change the situation.

Councilmember Dickenson stated that if more vehicular lanes were added, more cars would use the road. He clarified that the City is looking carefully at Ralston Avenue.

Mayor Braunstein stated that the Planning Commission has also discussed this issue. There are many options.

Mayor Braunstein noted that the Council would be returning to Closed Session following the adjournment of the regular meeting.

**ADJOURNMENT** at this time, being 9:40 p.m., to Continued Closed Session

**CONTINUED CLOSED SESSION**



- B. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Dickenson, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Police Chief Mattei, Human Resources Director Dino, and Labor Negotiator Tuffo. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 11:00 P.M.

**Terri**

**Cook**  
**City Clerk**

Meeting Tape Recorded and Videotaped (Closed Session not taped)  
Audio Recording 713